IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15970 of 2004

Between:

Smt.Mula Dhanalaxmi W/o. Chandra Mohan Reddy,
Fair Price Shop Dealer, Pappanapalli Village
Mydukur Mandal, Kadapa District.

..... PETITIONER

AND

1 The Joint Collector Kadapa, Kadapa District.
2 The Revenue Divisional Officer, Jammalamadugu Division,
Kadapa District.
3 The Mandal Revenue Officer, Mydukur Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings of the 2nd respondent bearing No.Ref.B/936/2004 Dt.27.8.2004 as illegal void and ultravires of the provisions of A.P.Schedule and Commodities (Regulation of Distribution by Car system), order 1973 and consequently direct the respondents herein to restore the authorisation fo the Fair Price Shop of the Petitioner situated at Pappanapali Village, Mydukur Mandal, Kadapa District.

Counsel for the Petitioner: MR.A.JAYA SANKARA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner is an authorized dealer of a Fair Price Shop of Pappanapalli of Mydukur Mandal, Kadapa District. Her authorization has been suspended by the 2nd respondent-Revenue Divisional Officer, Jammalamadugu Division, Kadapa District by proceedings in Ref.B/936/2004 dated 27-08-2004, pending enquiry into the alleged irregularities in distribution of the essential commodities, which is under challenge in this writ petition.

It is to be noted that against the impugned order, the petitioner has already filed an appeal before the 1st respondent-Joint Collector, Kadapa, Kadapa District, along with an application for stay, and the same is pending.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Since the statutory appeal is pending, I am not inclined to express any opinion on merits. Instead, I deem it appropriate to dispose of the writ petition with a direction to the the 1st respondent to dispose of the application for stay in the appeal filed by the petitioner against the impugned order of suspension dated 27-08-2004, as expeditiously as possible preferably within a period of one week from the date of receipt of this order. Till the said application is disposed of, there shall be a direction

not to appoint any temporary dealer in respect of the shop in question.

_____

08-09-2004

Note: Issue operative portion by wire at

party's costs.

B/o

vs

To

1 The Joint Collector Kadapa, Kadapa District.
2 The Revenue Divisioanl Officer Jammalamadugu Division, Kadapa District.
3 The Mandal Revenue Officer Mydukur Mandal, Kadapa District.

4 Two CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T)

5 Two CD copies.